



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:20/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Cr1.OP(MD)No.22187 of 2018
and
Cr1.MP(MD)No.10329 of 2018

P.K.N.Rajmohan : Petitioner/Accused No.5

Vs.

1.The State rep. by
The Inspector of Police,
District Crime Branch,
Thanjavur,
In Crime No.30 of 2015 : 1st Respondent/Complainant

2.Natarajan : 2nd Respondent/De-facto
Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.26 of 2018 on the file of the Judicial Magistrate No.II, Kumbakonam and quash the same.

For Petitioner : Mr.S.Deenadhayalan

For 1st Respondent : Mr.SS.Madhavan
Government Advocate
(Criminal side)

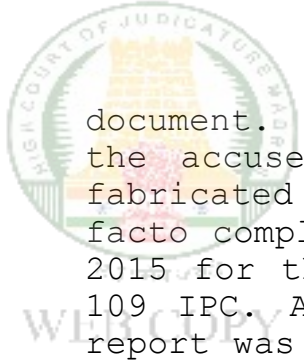
For 2nd Respondent : Mr.P.Vadivel

O R D E R

This petition has been filed seeking quashment of the the case in CC No.26 of 2018 on the file of the Judicial Magistrate No.II, Kumbakonam.

2.The case of the prosecution in brief:-

The de-facto complainant is the owner of the property in TS No.2560 measuring about 1920 feet in Kumbakonam town, in which the first accused was a tenant for about 20 years. He executed a settlement in respect of the above said property in favour of his wife namely A2, on 23/10/2014. The accused 3 and 4 have signed as witnesses in the above said document without perusing any title



document. The 5th accused registered the above said document. So all the accused persons, conspired together and created a false and fabricated document. On the basis of the complaint given by the de-facto complainant, this case has been registered in Crime No. 30 of 2015 for the offences under sections 465, 468, 120-B, 471, 420 and 109 IPC. After completing the formalities of investigation, final report was filed in CC No.26 of 2018 and it has taken cognizance by the Judicial Magistrate No.2, Kumbakonam.

3. Seeking quashment of the same, this petition has been filed by A5, who was working as Joint Sub Registrar, Madukkur, Thanjavur District, on the ground that he discharged his official duty and absolutely, he was having no involvement with the co-accused.

4. Heard both sides.

5. Reading of the complaint as well as the final report shows that the allegations against this petitioner is that without perusing the original title document, he registered the settlement deed, which was executed by the first accused in favour of the second accused. The only allegation against the petitioner is that there was a conspiracy between the petitioner and the other accused persons to cheat the de-facto complainant. In view of the above said conspiracy only, this petitioner alleged to have registered the settlement deed, which was executed by the first accused in favour of the second accused without verifying the title document. Now it is the duty of the petitioner to verify the title document before registering a particular document and in this connection, various circulars have been issued by the Inspector General of Registration. But at the same time, if there is any violation of the circular, the petitioner is liable to be proceeded only departmentally. For attracting the offence under section 420 IPC, absolutely, there is no material has been collected during the course of investigation against this petitioner. Only bald allegation has been stated that since he registered the document without verifying the title document, he is also involved in the criminal conspiracy. So, I am of the considered view that this bald statement is not sufficient enough to attract the ingredients of section 120(B) IPC.

6. In view of the above said discussion, the petition is liable to be allowed.

7. In the result, this criminal original petition is **allowed**. The impugned CC No.26 of 2018 on the file of the Judicial Magistrate No.II, Kumbakonam is hereby quashed as against this petitioner. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

**Note :**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.II,
Kumbakonam.
- 2.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-20299[F] dated
21/04/2022)

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20.04.2022

MGJ(06.06.2022) 3P 5C